



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

September 2, 2005

The Honorable Carlos Alvarez
Mayor, Miami-Dade County
111 N.W. 1st Street
Miami, Florida 33128

RECEIVED
SEP 07 2005

MIAMI-DADE COUNTY
DEPT. OF PLANNING & ZONING

Dear Mayor Alvarez:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Miami-Dade County (DCA No. 05-2ER), which was received on July 1, 2005. Copies of the proposed amendment have been distributed to appropriate state, regional, and local agencies for their review and their comments are enclosed.

The Department has reviewed the comprehensive plan amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C.) and Chapter 163, Part II, Florida Statutes (F.S.) and this letter serves as the Objections, Recommendations and Comments (ORC) report.

The Department raises the following objections to Amendment 05-2ER:

- The concurrency management system in the Comprehensive Master Development Plan does not fully comply with the concurrency requirements in Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code.
- In designating new future land uses for Parcels 63, 75, 88, and 110, the amendment has not demonstrated adequate coordination with the South Florida Water Management District.
- The proposed definition of the Mixed Use Development future land use does not specify a maximum residential density as required in Chapter 163, F.S., and Rule 9J-5, F.A.C.
- The definition of the Urban Centers future land use does not specify a maximum residential density as required in Chapter 163, F.S., and Rule 9J-5, F.A.C.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

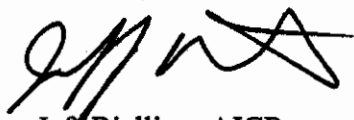
EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

The Honorable Carlos Alvarez
September 2, 2005
Page 2

We have discussed the amendment with County staff and we expect that these concerns can be resolved in a straightforward manner. If you have any questions, please contact Paul Darst, Senior Planner, at (850) 922-1764.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Bielling', with a stylized flourish at the end.

Jeff Bielling, AICP
Regional Planning Administrator

JB/pds

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Ms. Diane O'Quinn Williams, Director, Department of Planning and Zoning
Ms. Carolyn A. Dekle, Executive Director, South Florida Regional Planning Council

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
FOR
MIAMI-DADE COUNTY
AMENDMENT 05-2ER

September 2, 2005
Division of Community Planning
Office of Comprehensive Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of Miami-Dade County 05-2ER proposed Comprehensive Plan Amendment pursuant to Section 163.3184, F.S.

Objections relate to specific requirements of relevant portions of Chapter 9J-5, F.A.C., and Chapter 163, Part II, F.S. Each objection includes a recommendation of one approach that might be taken to address the cited objection. Other approaches may be more suitable in specific situations. Some of these objections may have been raised initially by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The County should address each of these objections when the amendment is resubmitted for our compliance review. Objections which are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis, items which the County considers not to be applicable to its amendment. If that is the case, a statement justifying its non-applicability pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination as to the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments which follow the objections and recommendations are advisory in nature. Comments will not form a basis for determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies, other agencies, organizations and individuals. These comments are advisory to the Department and may not form a basis for Departmental objections unless they appear under the "Objections" heading in this report.

**Objections, Recommendations, and Comments Report
for
Miami-Dade County Amendment 05-2ER
September 2, 2005**

OBJECTIONS TO AMENDMENT 05-2ER

1. Concurrency Management System

The concurrency management system as set forth in the Comprehensive Master Development Plan does not fully comply with the concurrency requirements in Chapter 163, Part II, Florida Statutes, and Rule 9J-5, Florida Administrative Code.

Paragraph A under the Concurrency Management System section of the comprehensive plan incorrectly allows park and recreation facility concurrency to be met if the necessary parkland is acquired no later than 12 months after issuance of a certificate of occupancy if the development is located within the Urban Development Boundary. F.A.C. Rule 9J-5.0055(3)(b), which sets forth the minimum standards to satisfy the concurrency requirement for parks and recreation facilities, states that at the time of issuance of the certificate of occupancy the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the local government, or funds in the amount of the developer's fair share are committed. The local government has 12 months after issuance of a CO to put in place the necessary recreation facilities and services needed to serve the new development. See also section 163.3180(2)(b), Florida Statutes.

Criterion 5 in the Miami-Dade County concurrency management system excepts, from meeting transportation concurrency, projects which result in an increase in peak period traffic volume on a FIHS roadway operating below the LOS standard as a result of the project and which increase would exceed 2 percent of the capacity of the roadway at the adopted LOS standard. This provision only applies to FIHS facilities within a TCEA, and therefore it should be understood as interpreting or complying with s. 163.3180(5)(d), F.S., regarding concurrency management:

A local government shall establish guidelines for granting the exceptions authorized in paragraphs (b) and (c) in the comprehensive plan. These guidelines must include consideration of the impacts on the Florida Intrastate Highway System, as defined in s. 338.001. The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted.

Within TCEAs and specifically applying to FIHS facilities operating below the CDMP-adopted LOS standard, Criterion 5 requires developers to keep their traffic volume increase to 2 percent or less. Criterion 5, while it does limit the impact of an individual project on a FIHS facility to 2 percent, does not prevent an incremental deterioration of the FIHS facility, as project after project worsen the facility 2 percent at a time. Note, in this context, s. 163.3180(6), F.S., which allows a 1 percent de minimis impact on a roadway; however, this statutory provision includes protection against incremental effects and protection for hurricane evacuation routes, as follows:

No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Local governments are encouraged to adopt methodologies to encourage de minimis impacts on transportation facilities within an existing urban service area. Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes.

The County's Criterion 5 should be amended to limit the sum of incremental impacts and to protect hurricane evacuation routes.

Citations:

Florida Statutes: sections 163.3180(2)(b) and 163.3180(6)

Florida Administrative Code: Rule 9J-5.0055(3)(b)

Recommendations:

Amend the concurrency management Program in the Comprehensive Master Development Plan to require that at the time of issuance of the certificate of occupancy the acreage for the necessary facilities and services to serve the new development is dedicated or acquired by the local government, or funds in the amount of the developer's fair share are committed.

Amend Criterion 5 in the concurrency management system to limit the sum of incremental impacts and to protect hurricane evacuation routes. The County may also wish to consider the new requirements added to the concurrency s. 163.3180(6) in this year's legislative changes to Chapter 163, Part II, F.S. (see Chapter 2005-290, Laws of Florida).

2. Amendments to the Future Land Use Map, Parcels 63, 75, 88, and 110 and Amendments to the Environmental Protection Subareas Text

The South Florida Water Management District has raised an issue with regard to four of the proposed FLUM amendments and an amendment to the Environmental Protection Subareas text. The County is proposing to change the FLUM designation on the following four parcels that the SFWMD owns, has interest in, has targeted for ownership, and/or is a partner with the Federal government for implementation of the Comprehensive Everglades Restoration Plan (CERP):

Parcel No. 63 (C-4 Emergency Detention Basin)

Parcel No. 75 (Shark River Slough Flow-way)

Parcel No. 88 (Rocky Glades Transition Zone)

Parcel No. 110 (Frog Pond)

The current FLUM designation for Parcels 63 and 75 is Open Land, while the current FLUM designation for Parcels 88 and 110 is Agriculture. The proposed FLUM designation for all four parcels is Environmental Protection.

The SFWMD maintains, however, that it needs flexibility in implementing the CERP as well as other environmental restoration and flood protection projects. The definition of the Environmental Protection FLUM category may unduly limit the kind of project allowable on

the land and impede rather than facilitate environmental restoration of the Everglades. A more general definition is desirable, according to the SFWMD, so that a variety of water management practices are permissible, including but not limited to water supply development, water storage, flood protection, stormwater attenuation, aquifer storage and recovery, seepage management, wetland enhancement/mitigation, stormwater treatment areas, water quality treatment, recharge areas, and ancillary uses of the facilities for administrative, recreation, and educational purposes.

The SFWMD is also concerned about the timing of the proposed land use changes, as they may result in unintended adverse consequences, as outlined below:

(1) The SFWMD has partnered with the U.S. Army Corps of Engineers on restoration efforts for the Shark River Slough, the Rocky Glades Transition Area, and the Frog Pond CERP Projects. This partnership includes a project cost-sharing agreement between the State and Federal government. The SFWMD buys the land needed for the project, then later negotiates and enters into a cost-sharing agreement with the Federal government on the project. As previously mentioned, the proposed land use changes may reduce or eliminate the current allowable uses. Decreasing the market value of such acquired lands, prior to the conclusion of the cost-sharing agreement with the Federal government, could significantly, and adversely, impact the State's recovery of its cost-share portion for these projects.

(2) The SFWMD sometimes acquires more land in a specific location than it ultimately ends up needing for a particular project. In such instances, these surplus lands may be made available to either private or public interests, consistent with state law. In certain situations, priority consideration must be given to buyers, public or private, who are willing to return the property to productive use, as long as the property can be re-entered onto the county's ad-valorem tax roll (see Section 373.089, F.S.). The proposed land use changes from "Open Land" and "Agriculture" to "Environmental Protection" and related text amendments to the Environmental Protection Subareas may reduce or eliminate the current allowable uses. This may adversely affect the SFWMD's ability to sell surplus lands for other productive uses. It may also adversely affect the County's recapture of ad-valorem tax revenues from such lands after they have been surplus by the SFWMD. . . .

The SFWMD has described these four FLUM amendments as having the potential to adversely affect its efforts to implement the CERP. In view of the importance to the State of Florida of the CERP, the Department objects to the proposed FLUM changes and to the associated amendments to the Environmental Protection Subareas text on the basis that the amendment does not demonstrate adequate coordination with the South Florida Water Management District (see ss. 163.3161[4] and 163.3177[6][h], F.S.) and is not consistent with the State Comprehensive Plan. Note that the State Comprehensive Plan contains a specific policy under the Natural Systems and Recreational Lands which emphasizes restoration of the Everglades:

Policy 8. Promote restoration of the Everglades system and of the hydrological and ecological functions of degraded or substantially disrupted surface waters.

Citations

Florida Statutes: § 163.3177(6)(h)

Florida Administrative Code: Rule 9J-5.015(3)(b)1 and (c)1

Recommendations

Miami-Dade County should not adopt the amendments changing the future land use designations for Parcel No. 63 (C-4 Emergency Detention Basin), Parcel No. 88 (Rocky Glades Transition Zone), and Parcel No. 110 (Frog Pond). The County should coordinate with the South Florida Water Management District to determine the appropriate future land use designation for these parcels.

3. New Mixed-Use Development Future Land Use Category

The County proposes to add a new Mixed Use Development FLUM category (Future Land Use Element, paragraph reference numbers 133 - 135). The Department objects to the proposed definition of Mixed Use Development because it does not specify a maximum or even a range of residential density, in terms of dwelling units per acre. The definition of Mixed Use Development specifies maximum intensities of development, but not a maximum residential density.

Citations

Florida Statutes: § 163.3177(6)(a)

Florida Administrative Code: Rules 9J-5.005(6), 9J-5.006(3)(c)7, and 9J-5.006(4)(c)

Recommendations

1. Revise the Mixed Use Development category to include a maximum residential density: or
2. Define the Mixed Use Development category as an overlay district, with the maximum residential density being limited by the underlying residential future land use designations.

4. Urban Centers

The Master Comprehensive Development Plan describes Urban Centers (Future Land Use Element, pages 68 - 69, in the "Staff Applications" portion of the amendment package) as planned hubs for future urban development intensification. Urban Centers are mapped on the Future Land Use Map. They allow and encourage residential development; however, the comprehensive plan description of Urban Centers does not provide a residential density cap. It does specify "moderate to high density residential uses," but these appear to be descriptive terms rather than a reference to defined residential future land use categories (note that the Comprehensive Master Development Plan contains a "High Density Residential" future land use category, but not a "Moderate density" future land use category). The Urban Centers description also states that densities of residential uses "shall be authorized as necessary for residential or mixed-use developments in Urban Centers to conform to these intensity and height policies." It is not clear whether this refers to authorizing existing future land use categories of residential development.

The Department objects to the definition of the Urban Centers land use because it does not specify a maximum residential density.

Citations

Florida Statutes: § 163.3177(6)(a)

Florida Administrative Code: Rules 9J-5.005(6), 9J-5.006(3)(c)7, and 9J-5.006(4)(c)

Recommendations

Revise the Urban Centers description to either—

1. Make clear that it refers to existing defined residential FLUM categories; or
2. Provide a density range for its residential component.

COMMENTS ON AMENDMENT 05-2ER

1. Concurrency Management System

Paragraph B under the Concurrency Management System section of the comprehensive plan is intended to provide "assurance that the facilities will be constructed or acquired and available within the timeframes established in forgoing paragraph A." However, it is not readily apparent which criteria in paragraph B apply to which facilities in Paragraph A. The concurrency requirements set forth in Rule 9J-5.0055, F.A.C., vary according to the particular facility. Because of this, the criteria in paragraph B are not all applicable to all of the facilities in paragraph A. For example, the standard in subparagraph B-1, "the necessary facilities and services are under construction at the time the building permit is issued," does not meet the Rule 9J-5.0055(3)(a) requirement that sanitary sewer, solid waste, drainage, and potable water facilities must be in place at the time the certificate of occupancy is issued.

2. Chapter 2005-290

The County should revise the amendment as necessary to meet the applicable new comprehensive plan requirements in Chapter 2005-290, Laws of Florida, including the following.

3. Institutions, Utilities, and Communications Future Land Use

A new paragraph under the Institutions, Utilities, and Communications future land use designation in the Future Land Use Element (refer to paragraph 144 in the "Staff Applications" in the amendment package) allows electric power transmission line corridors in every land use category when located in "established right-of-ways or certified under the Florida Electrical Power Plant Siting Act." Please note that electric transmission lines may be certified under the Florida Electrical Power Plant Siting Act as an ancillary use to a new power plant or certified on their own under the Transmission Line Siting Act (ss. 403.52 - 403.5365, F.S.).

4. FLUE Objectives LU-11 and LU-12

New FLUE Objectives LU-11 and LU-12 (refer to paragraphs 240 and 241 in the "Staff Applications" in the amendment package) state: "The reports forthcoming from Policy will serve as the monitoring measure." There appear to be words missing from these objectives.

5. Numerical Targets In Objectives

Revised Housing Element Objective HO-5 (refer to paragraph 26 in the Housing Element portion of "Staff Applications" in the amendment package)) eliminates the numerical target of a 30 percent reduction in number of substandard housing units in the County. The County also proposes to drop the numerical target from Objective HO-6. The County should reconsider the elimination of numerical targets in comprehensive plan objectives. It is useful to set a target and a date in a comprehensive plan objective in order to develop an implementation plan to achieve that result.

6. Port of Miami River Sub-Element

Proposed new Policy PMR-4D would elevate security requirements, as set forth in the MRC Security Plan, above other objectives in the Port of Miami River Sub-Element. Because the policy subordinates objectives in the sub-element to requirements set forth in the MRC Security Plan, it therefore should be understood as incorporating the MRC Security plan by reference. Accordingly, Policy PMR-4D should cite the MRC Security Plan pursuant to the requirements for incorporation by reference in F.A.C. Rule 9J-5.005(2)(g).

CONSISTENCY WITH THE STATE COMPREHENSIVE PLAN

The amendment is not consistent with following provisions of the State Comprehensive Plan (Chapter 187, F.S.):

Natural Systems and Recreational Lands Goal and Policy 8

Land Use Goal and Policies 1, 3, 5, and 6

Urban and Downtown Revitalization Goal and Policy 7

Public Facilities Goal

Governmental Efficiency Goal and Policy 1



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

August 4, 2005

Mr. D. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Miami-Dade Proposed Comprehensive Plan Amendments 05-2

Dear Mr. Eubanks:

On behalf of the Department of Environmental Protection, the Office of Intergovernmental Programs has reviewed Miami-Dade County proposed comprehensive plan amendments in accordance with the provisions of Chapter 163, *Florida Statutes*. As required by law, the scope of our comments and recommendations is limited to the environmental suitability of the proposed changes in light of the Department's regulatory and proprietary responsibilities. Based on our review of the proposed amendments, the Department has found no provision that requires comment, recommendation or objection under the laws that form the basis of the Department's jurisdiction and authority. If the amendments pertain to changes in the future land use map or supporting text, please be advised that at such time as specific lands are proposed for development, the Department will review the proposal to ensure compliance with environmental rules and regulations in effect at the time such action is proposed. In addition, any development of the subject lands will have to comply with local ordinances, other comprehensive plan requirements and restrictions, and applicable rules and regulations of other state and regional agencies.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2182.

Sincerely,

SJC

Sylvia J. Cohen
Office of Intergovernmental Programs

/sjc



MEMORANDUM

AGENDA ITEM #6c

DATE: JULY 11, 2005

TO: COUNCIL MEMBERS

FROM: STAFF

SUBJECT: MIAMI-DADE COUNTY PROPOSED COMPREHENSIVE PLAN AMENDMENT

Introduction

On June 30, 2005, Council staff received proposed amendment package #05-1ER to the Miami-Dade County Comprehensive Development Master Plan for review of consistency with the *Strategic Regional Policy Plan for South Florida (SRPP)*. Staff review is undertaken pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (F.S.), and Rules 9J-5 and 9J-11, Florida Administrative Code (F.A.C.).

Community Profile

With its current estimated population of slightly under 2.4 million, Miami-Dade County is the most populous county in Florida. The County's population is expected to increase by more than half a million by the year 2020. The percentage of the population that is working age or younger is larger in Miami-Dade County than the state average. The County also has higher unemployment rates as well as a higher percent of families with incomes below the poverty level than the state average.

The structure of the County's economy is heavily service and trade oriented, with approximately 57% of total employment in these sectors. The County has established itself as a wholesaling and financial center and major tourist destination. Miami-Dade County ranks ninth in export sales among all metropolitan areas in the country. Almost a quarter of the state's total employment in transportation is located in the County. The Port of Miami is the largest cruise ship port in the world and one of the largest container ports in the southeast. The urbanized portion of the County lies between two national parks, Everglades and Biscayne National Parks. The close relationship of tourism to the preservation of Miami-Dade County's unique native plants and wildlife has been recognized as an economic as well as an environmental issue. In order to manage growth, the County's Comprehensive Plan established an Urban Development Boundary (UDB), which distinguishes the area where urban development may occur from areas where it should not occur.

Additional information regarding the County or the Region, may be found on the Council's website at www.sfrpc.com.

Summary of Staff Analysis

Proposed Amendment #05-1ER includes text amendments to the entire Miami-Dade County Comprehensive Development Master Plan (11 elements) as well as 97 map changes. These changes are based on recommendations in the County's adopted Evaluation and Appraisal Report (EAR), which was adopted October 23, 2003. The proposed amendments are the County's EAR-based amendments. A map depicting the general location of Miami-Dade County is included in Attachment 1. Attachment 2 shows the locations of the proposed land use map changes, Attachment 3 shows the locations of County-wide Urban Centers and the existing and proposed Mass Transit System, and Attachment 4 shows the proposed changes to the Transportation Network.

A detailed analysis of the proposed comprehensive plan is attached.

Staff analysis confirms that the proposed amendment package is compatible with the goals and policies of the SRPP.

The Miami-Dade County Board of County Commissioners approved the proposed amendments for transmittal on May 23, 2005 by a vote of 7-0.

Recommendation

Find the Miami-Dade County proposed amendment package #05-1ER generally consistent with the *Strategic Regional Policy Plan for South Florida*. Approve this staff report for transmittal to the Florida Department of Community Affairs.

**Proposed Comprehensive Plan Amendment Review
Staff Report
for
Miami-Dade County**

**South Florida Regional Planning Council
July 2005**

**PROPOSED AMENDMENT PACKAGE #05-1ER
TO THE
MIAMI-DADE COUNTY COMPREHENSIVE DEVELOPMENT MASTER PLAN**

Summary of Staff Analysis

Proposed Amendment #05-1ER includes text amendments to the entire Miami-Dade County Comprehensive Development Master Plan (11 elements) as well as 97 map changes. These changes are based on recommendations in the County's adopted Evaluation and Appraisal Report (EAR), which was adopted October 23, 2003. The proposed amendments are the County's EAR-based amendments. A map depicting the general location of Miami-Dade County is included in Attachment 1. Attachment 2 shows the locations of the proposed land use map changes, Attachment 3 shows the locations of County-wide Urban Centers and the existing and proposed Mass Transit System, and Attachment 4 shows the proposed changes to the Transportation Network.

Most of the amendments can be considered housekeeping in nature (for example, change "Dade County" to "Miami-Dade County"). They would revise dates, reflect statutory changes, or strengthen the comprehensive plan. General updates to the Comprehensive Development Master Plan include updating the planning horizons from 2005-2015 to 2015-2025 and updating population estimates and projections. A detailed analysis of the proposed comprehensive plan amendments is included below.

Land Use Map Changes

The 97 proposed Land Use Map changes generally reflect changes to land use already approved in municipalities; change various land uses to either Park and Recreation or Environmentally Protected Parks uses to reflect park and/or environmentally endangered land purchases; and to reflect land being changed to Institutional uses. No privately initiated land use changes are being proposed. Exhibit One, *Ear Based Land Use Map Changes Amendment Summary*, includes a detailed listing of the proposed map changes and Attachment 2 shows the locations of the proposed land use map changes.

Staff analysis confirms that the map changes, as proposed, are compatible with the goals and policies of the *Strategic Regional Policy Plan for South Florida (SRPP)*.

Land Use Element

The key proposed changes to this element include:

- Clarification of uses and intensities within land use designations ✓
- Addition of several new policies relating to the following:
 - Transit-Oriented Development and Smart Growth Initiatives ✓
 - Promoting infill development within the Urban Infill area
 - Land development regulations on Live-Work Units
 - Coordinating with Municipalities on Urban Center designations
 - Creation of a new zoning district to allow single-family detached houses and townhouses to be developed together
 - Encouraging energy conservation

58 360 1215

Transportation Element

The key proposed changes to this element include:

- A Transportation Monitoring program would be added to enable preparation of the periodic Evaluation and Appraisal Report (EAR), including analysis of mass transit and land use changes made through coordination of land use and transportation planning.
- The Traffic Circulation Sub-element would include policy language adopting the Florida Department of Transportation's (FDOT) Level of Service (LOS) standards for Controlled Access State highways outside the Urban Development Boundary.
- Modify Policy MT-3A of the Mass Transit Sub-element to reflect the desire to retain the sales tax as a dedicated funding source, and modify Policy MT-6E to indicate support for the Regional Transportation Authority,
- Modify Policy PMR-1A of the Port of Miami River Sub-element to include policies and objectives pertaining to security, and to add Policy PMR-4 and objectives.
- Modify Policy TE-1E of the Transportation Element to include the consideration of water transportation as a future initiative.

Conservation, Aquifer Recharge, and Drainage Element

The key proposed changes to this element include:

- Integrate new federal and state air quality rules and regulations into existing County programs
- Industrial and Commercial uses with permitted stationary air pollution sources would not be permitted in residential and other high occupancy land use areas
- Sources of asbestos and toxic air pollutants would be regulated according to established national standards
- Continue to investigate the feasibility of large scale water reuse through demonstration projects and other means
- Create buffers between water impoundment areas and development to increase flood protection levels
- Provide dedicated funding sources for long-term management and maintenance of Environmentally Endangered Lands and Natural Forest communities by 2015
- Implement strategies to streamline the wetland permitting process
- Consider wetland permit applications' consistency with the Comprehensive Everglades Restoration Program objectives. Inconsistency with objectives may be used as a reason for permit denial.

Recreation and Open Space Element

The key proposed changes to this element include:

- District Park classification would be changed from local to countywide and acreage range reduced to 100-200 acres
- Municipal transfer criteria would consider coordination of parks system and non-discrimination against non-residents
- Continue implementation and possible expansion of greenway and blueway networks while enhancing connectivity to parks, natural areas, and other recreational facilities
- Consider compatibility of proposed development with natural, historic, or archeological resources present in adjacent parks

Coastal Management Element

~ The key proposed changes to this element include:

- The Goals, Objectives and Policies would be modified to reflect the content of the County's Comprehensive Emergency Management Plan and the new Hurricane Evacuation Zones
- The objectives and policies would be organized to distinguish between pre-storm planning and activities and post-storm implementation of plans and activities.

Water, Sewer and Solid Waste Element

The key proposed changes to this element include:

- Enhancing review for oversized mains inside and within the UDB
- Implementing water reuse and participation in CERP reuse projects
- Revising recycling provisions and providing greater operational flexibility to Department of Solid Waste Management
- Direct beneficiaries of system services would be required to provide funding for solid waste management

Intergovernmental Coordination Element

The key proposed changes to this element include:

- Coordinating land use and public school facility planning through the adopted Interlocal Agreement
- Expansion and strengthening of policies to coordinate special intra-regional water planning needs and Comprehensive Everglades Restoration Plan programs with County Programs.

Capital Improvements Element

The key proposed changes to this element include:

- Dates were updated and language was updated and modified
- Specific objectives would be added to strengthen the monitoring program

Education Element

The key proposed changes to this element include:

- Updating policies pertaining to school overcrowding by using the state standard of Florida Inventory of School Houses (FISH) capacity standards;
- School Board coordination with county and cities on development trends and population projections
- • Use of public schools as emergency shelters during county emergencies
- Authorize an annual review of the Educational Facilities Impact Fee, pursuant to Interlocal Agreement

Housing Element

The key proposed changes to the objectives and policies of this element include:

- Support material would be updated, including new housing needs assessment
- New policy proposals on accessory units, an inclusionary zoning program, and a housing linkage program would be added
- ✓ • Emphasis placed on "work force" housing and placing affordable housing near employment centers and public transportation
- New policies included on restricting illegal conversions/additions and promoting energy efficient "green buildings."

Conclusion

The amendments contained in proposed amendment package #05-1ER to the Miami-Dade County Comprehensive Development Master Plan are generally supportive of and compatible with the goals and policies of the *Strategic Regional Policy Plan for South Florida*.

EXHIBIT ONE
EAR BASED LAND USE MAP CHANGES AMENDMENT SUMMARY

Parcel No.	Parcel General Location	Municipality or Community Councils	Requested Category Change		Acres
			From:	To:	
1	North and south sides of NE 213 Street east of NE 30 Court	Aventura	Medium Density Residential	Business and Office	23
2	SE corner of NE 213 Street and NE 27 Court	Aventura	Low-Medium Density Residential	Business and Office	14
3	East side Country Club Drive West, south of Aventura Blvd.	Aventura	Parks and Recreation	Business and Office	17
4	North of NE 187 Street, east and west of NE 29 Avenue	Aventura	Industrial and Office	Business and Office	15
5	North and south sides of NE 188 Street, east of NE 30 Avenue	Aventura	Industrial and Office	Medium High Density Residential and Business and Office	32
6	NW corner of Ocean Blvd. and NE 193 Street	Sunny Isles Beach	Medium-High Density Residential and Business and Office	Low Density Residential	18
7	West of I-95 between NE 215 Street and NE 207 Street	2	Industrial and Office	Parks and Recreation	94
8	SE corner of NW 199 Street and NW 32 Avenue	Miami Gardens	Office and Residential and Business and Office	Parks and Recreation	29
9	North side of Sunny Isles Blvd west of Oleta River	North Miami Beach	Business and Office	Environmentally Protected Parks	3
10	SE corner of NE 151 Street and Biscayne Blvd.	North Miami	Parks and Recreation	Medium Density Residential / Metro. Ctr.	188
11	NE corner of NW 22 Avenue and NW 139 Street	Opa Locka	Business and Office and Industrial and Office	Medium Density Residential	10
12	NW corner of NW 17 Avenue and Opa Locka Blvd	Opa Locka	Low Density Residential	Industrial and Office	10
13	SW corner of NW 32 Avenue and SW 132 Street	Opa Locka	Industrial and Office	Office / Residential	11
14	SW corner of NW 28 Avenue and NW 132 Street	Opa Locka	Industrial and Office	Medium Density Residential	11
15	SW corner of NW 27 Avenue and NW 132 Street	Opa Locka	Industrial and Office	Business and Office	18
16	NW corner of NW 27 Avenue and SW 127 Street	Opa Locka	Industrial and Office	Medium Density Residential	5

Parcel No.	Parcel General Location	Municipality or Community Councils	Requested Category Change		Acres
			From:	To:	
17	NE corner of NW 102 Avenue and NW 138 Street	Hialeah	Estate Density Residential w/ DI-1	Business and Office	72
18	NE corner of NW 97 Avenue and West 80 Street	Hialeah	Industrial and Office	Medium Density Residential	10
19	South side of NW 115 Street between NW 2 Avenue and I-95	Miami Shores	Low-Medium Density Residential	Institutional and Public Facility	34
20	South side of West 63 Street between Inter Coastal Waterway	Miami Beach	Low Density Residential	Medium Density Residential	9
21	NE corner of NE 80 Street and NE 1 Avenue	Miami	Business and Office	Office/ Residential	17
22	NW corner NE 4 Avenue and NE 80 Terrace	Miami	Business and Office	Office / Residential	8
23	Between NE 75 Street and NE 78 Street, between NE 2 Court and NE 3 Place	Miami	Industrial and Office	Medium Density Residential	19
24	NE Miami Court to NE 2 Avenue between 71 Street and 72 Street	Miami	Industrial and Office	Medium Density Residential	12
25	Between I-95 and NE Miami Court between 71 Street and 72 Street	Miami	Industrial and Office	Business and Office	45
26	Between NW 7 Avenue and I-95 between NW 71 Street and NW 72 Street	Miami	Industrial and Office	Business and Office	11
27	NE corner West 20 Avenue and West 41 Street	Hialeah	Medium Density Residential, Medium-High Density Residential and Industrial and Office	Business and Office	12
28	East and west side of West 16 Avenue from West 41 Street to 42 Street	Hialeah	Medium Density Residential	Business and Office	6
29	SW corner of West 16 Avenue and West 37 Street	Hialeah	Low-Medium Density Residential	Business and Office	20
32	Northeast corner of NW 107 Avenue and NW 90 Street	Medley	Medium Density Residential	Industrial and Office	88
34	East and west side of Curtiss Parkway south of the circle	Miami Springs	Low Density Residential	Low-Medium Density Residential	23
35	NE corner of Curtiss Parkway and NW 38 Street	Miami Springs	Medium Density Residential	Business and Office	15

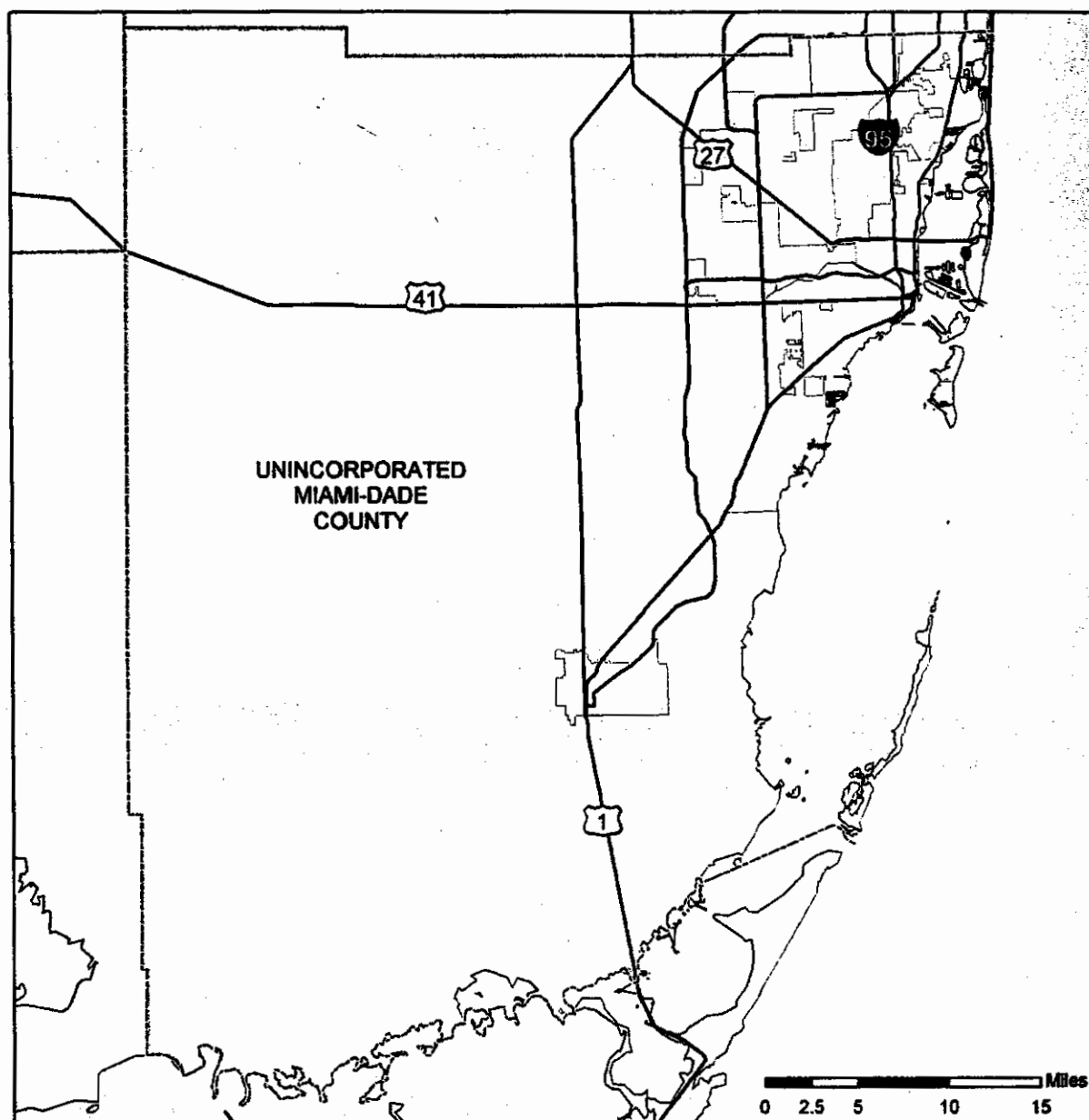
Parcel No.	Parcel General Location	Municipality or Community Councils	Requested Category Change		Acres
			From:	To:	
40	SE corner of Biscayne Blvd. and NE 14 Street	Miami	Business and Office	Institutional and Public Facility	8
41	NE corner of NE 9 Street and Biscayne Blvd. (North Bay Front Park)	Miami	Transportation Terminals	Institutional and Public Facility	35
42	NW corner of Watson Island	Miami	Parks and Recreation	Business and Office	7
43	Between NW 1 Avenue and NE 2 Avenue, between NW 3 Street and NW 5 Street	Miami	Business and Office	Institutional and Public Facility	29
44	North side of Miami River between NW 22 Avenue to NW 26 Avenue	Miami	Industrial and Office	Medium Density Residential	16
45	From Miami River to NW 16 Street between NW 13 Avenue and NW 17 Avenue	Miami	Medium-High Density Residential and Institutional and Public Facility	Office/Residential	47
46	Between Miami River and NW South River Drive between NW 18 Court and NW 19 Court	Miami	Industrial and Office	Medium-High Density Residential	7
47	SE corner of NW North River Drive and NW 18 Avenue	Miami	Industrial and Office	Medium-High Density Residential	8
49	SE corner of NW 7 Street and NW 17 Avenue (Orange Bowl)	Miami	Business and Office	Institutional and Public Facility	47
50	Area bounded by NW 21 Street, NW 37 Avenue, NW 25 Street and NW 42 Avenue	8	Business and Office and Industrial and Office	Transportation Terminals	Approx. 77
51	West of NW 42 Avenue between State Road 836 and NW 20 Street	Miami	Business and Office	Transportation	24
52	Between I-95 and SW 15 Road between SW 1 Avenue and Coral Way	Miami	Low Density Residential	Office/ Residential	18
53	Between SW 7 Street and SW 2 Street on both sides of SW 42 Avenue	Miami	Low Density Residential	Office/Residential	15
54	West Flagler to SW 8 Street between 2 FEC RR ROW	Miami	Industrial and Office	Business and Office	27
55	SE corner of Brickell Avenue and SW 32 Road	Miami	Institutional and Public Facility	Low Density Residential	11
56	North side of Biscayne Bay between East Glencoe Street and West Fairview Street	Miami	Low-Medium Density Residential	High Density Residential	6

Parcel No.	Parcel General Location	Municipality or Community Councils	Requested Category Change		Acres
			From:	To:	
57	SE corner of Virginia Avenue and Day Avenue	Miami	Business and Office	Medium Density Residential	6
58	SW corner Florida Avenue and Margaret Street	Miami	Low-Medium Density Residential	Office/Residential	10
59	North side of Coral Way from SW 42 Avenue to Segovia Street	Coral Gables	Low Density Residential	Medium Density Residential	6
61	North of NW 12 Street, west of the turnpike, under the overpass	5	Industrial and Office	Transportation	24
62	NE corner of NW 107 Avenue and West Flagler Street, between NW 107 east to approx. SW 105 place	10	Office/Residential	Institutional and Public Facility	39
63	Between SW 8 Street and NW 12 Street and between 147 Avenue and 15 th Avenue	5	Open Land	Environmental Protection and UEA moved back to SW 147 Avenue between NW 12 Street and SW 8 Street	910
64	Between SW 10 Street and theoretical SW 22 Street and between SW 147 Avenue and theoretical SW 149 Avenue	10	Low Density Residential	Environmentally Protected Parks and Recreation	122
65	West side of SW 57 Avenue between SW 76 Street and SW 80 Street	South Miami	Low Density Residential	Office/Residential	7
66	SE corner of SW 62 Avenue and SW 76 Street	South Miami	Business and Office and Medium Density Residential	Office/Residential	5
67	NE corner of SW 64 Court and SW 72 Street	South Miami	Office/Residential	Low Density Residential	8
69	SW corner of Neda Avenue and Monfero Street	Coral Gables	Estate Density Residential	Environmentally Protected Parks	10
70	SE corner of SW 120 Street and SW 57 Avenue	Coral Gables	Estate Density Residential	Institutional and Public Facility	30
71	NW corner of SW 80 Terrace and SW 107 Avenue, an area between SW 107 Avenue and SW 109 Avenue	12	Parks and Recreation	Institutional and Public Facility	21
72	SE corner of SW 76 Street and SW 110 Avenue, an area between SW 110 Avenue and SW 109 Avenue	12	Institutional and Public Facility	Parks and Recreation	8

Parcel No.	Parcel General Location	Municipality or Community Councils	Requested Category Change		Acres
			From:	To:	
73	North of SW 120 Street, an area between SW 142 Avenue and SW 137 Avenue	11	Industrial and Office and Office/Residential	Parks and Recreation	22
74	West side of SW 157 Avenue between SW 157 Avenue and SW 162 Avenue and between SW 120 Street and SW 112 Terrace	11	Industrial and Office	Parks and Recreation	162
75	SW corner of SW 104 Street and SW 187 Avenue, an area between SW 104 Street and SW 168 Street and an area between SW 187 Avenue and SW 221 Avenue	14	Open Land	Environmental Protection (western portion of 8 1/2 Sq. Mi.)	2119
76	West of Old Cutler Road and south of SW 157 Terrace	Palmetto Bay	Estate Density Residential	Environmentally Protected Parks	10
78	SW corner of SW 232 Street and SW 97 Avenue, an area between SW 232 Street and SW 236 Street	15	Agriculture	Institutional and Public Facility	13
79	SE corner of SW 97 Avenue and SW 248 Street	15	Open Land and Environmental Protection	Institutional and Public Facility	80
80	SE corner of SW 248 Street and theoretical SW 95 Avenue	15	Open Land	Environmental Protection	124
81	SW corner of SW 268 Street and SW 121 Court (Florida Avenue), an area between SW 268 Street and SW 280 Street	15	Institutional and Public Facility	Parks and Recreation	222
82	NE corner of SW 112 Avenue and theoretical SW 214 Street	15	Medium Density Residential	Environmentally Protected Parks	8
86a	SE corner of Newton Road (SW 157 Avenue) and SW 224 Street	14	Agriculture	Environmental Protected Parks	5
87	NE and SE corners of SW 157 Avenue (Newton Road) and SW 268 Street (Moody Drive)	14	Estate Density Residential	Environmentally Protected Parks	15
88	SW corner of SW 197 Avenue and SW 168 Street, an area between SW 168 Street and SW 292 Street	14	Agriculture	Environmental Protection	4971
89	SE corner of Campbell Drive (SW 312 Street) and SW 142 Avenue	Homestead	Industrial and Office	Business and Office	17
90	SW corner of SW 142 Avenue and Campbell Drive (SW 312 Street)	Homestead	Industrial and Office	Low Density Residential	44
91	NE corner of Campbell Drive and SW 147 Avenue	Homestead	Low Density Residential	Institutional and Public Facility	21

Parcel No.	Parcel General Location	Municipality or Community Councils	Requested Category Change		Acres
			From:	To:	
92	Between North Canal Drive (SW 328 Street) and C-103 Canal along Three Mile Road	Homestead	Industrial and Office	Low Density Residential	275
93	SE corner of SW 157 Avenue and SW 308 Street	Homestead	Low Density Residential	Business and Office	39
94	South side of Campbell Drive and east of the Canal	Homestead	Low Density Residential and Office/ Residential	Business and Office	14
95	South side of Campbell Drive and west of Canal	Homestead	Low-Medium Density Residential	Business and Office	19
96	Between NE 16 Avenue and NE 20 Avenue and between NE 9 Court and NE 5 Street	Homestead	Low Density Residential and Office/ Residential	Business and Office	32
97	Between NE 12 Avenue and NE 16 Avenue and between NE 9 Street and NE 5 Street	Homestead	Low-Medium Density Residential and Office / Residential	Business and Office	42
98	SE corner of SW 169 Avenue and SW 304 Street (Kings Highway)	Homestead	Low Density Residential	Business and Office	11
99	SE corner of NE Washington Avenue and NE 9 Street east of Krome Avenue	Homestead	Low-Medium Density Residential	Business and Office	6
100	NE corner of Park Place and English Avenue	Homestead	Business and Office	Institutional and Public Facility	6
101	NW corner of Palm Drive And SW 142 Avenue	Homestead	Business, and Office	Parks and Recreation	7
102	North side of SR 821 Ext. (HEFT) approx. between US 1 and NE 12 Avenue	Homestead/ Florida City	Low-Medium Density Residential	Business and Office	199
103	NW corner of SW 169 Avenue and East Palm Drive	Homestead	Low-Medium Density Residential and Low Density Residential	Business and Office	69
104	NW corner of Factory Shops Blvd. and East Palm Drive (SW 344 Street)	Florida City	Low-Medium Density Residential	Business and Office	20
106	SW corner of SW 192 Avenue (Tower Road) and SW 336 Street	14	Estate Density Residential	Environmentally Protected Parks	10

Parcel No.	Parcel General Location	Municipality or Community Councils	Requested Category Change		Acres
			From:	To:	
107	West of SW 202 Avenue from SW 364 Street to SW 368 Street	14	Agriculture	Environmentally Protected Parks	40
108	South of SW 354 Street between SW 210 Avenue and SW 209 Avenue	14	Agriculture	Environmentally Protected Parks	21
110	North: theoretical SW 304 Street, South: theoretical SW 408 Street, East: theoretical SW 227 Avenue, West: theoretical SW 247 Avenue	14 & 15	Agriculture	Environmental Protection	5432
111	South of theoretical SW 408 Street and east of SW 212 Avenue	15	Agriculture	Environmentally Protected Parks	20
112	East of SW 137 Avenue, an area between theoretical SW 176 Street and theoretical SW 168 Street	14	Institutional and Public Facility	Parks and Recreation	134
113	SE corner of SW 180 Street and SW 142 Avenue	14	Low Density Residential	Environmentally Protected Parks	19



South
Florida
Regional
Planning
Council

COMPREHENSIVE PLAN AMENDMENTS

Location Map

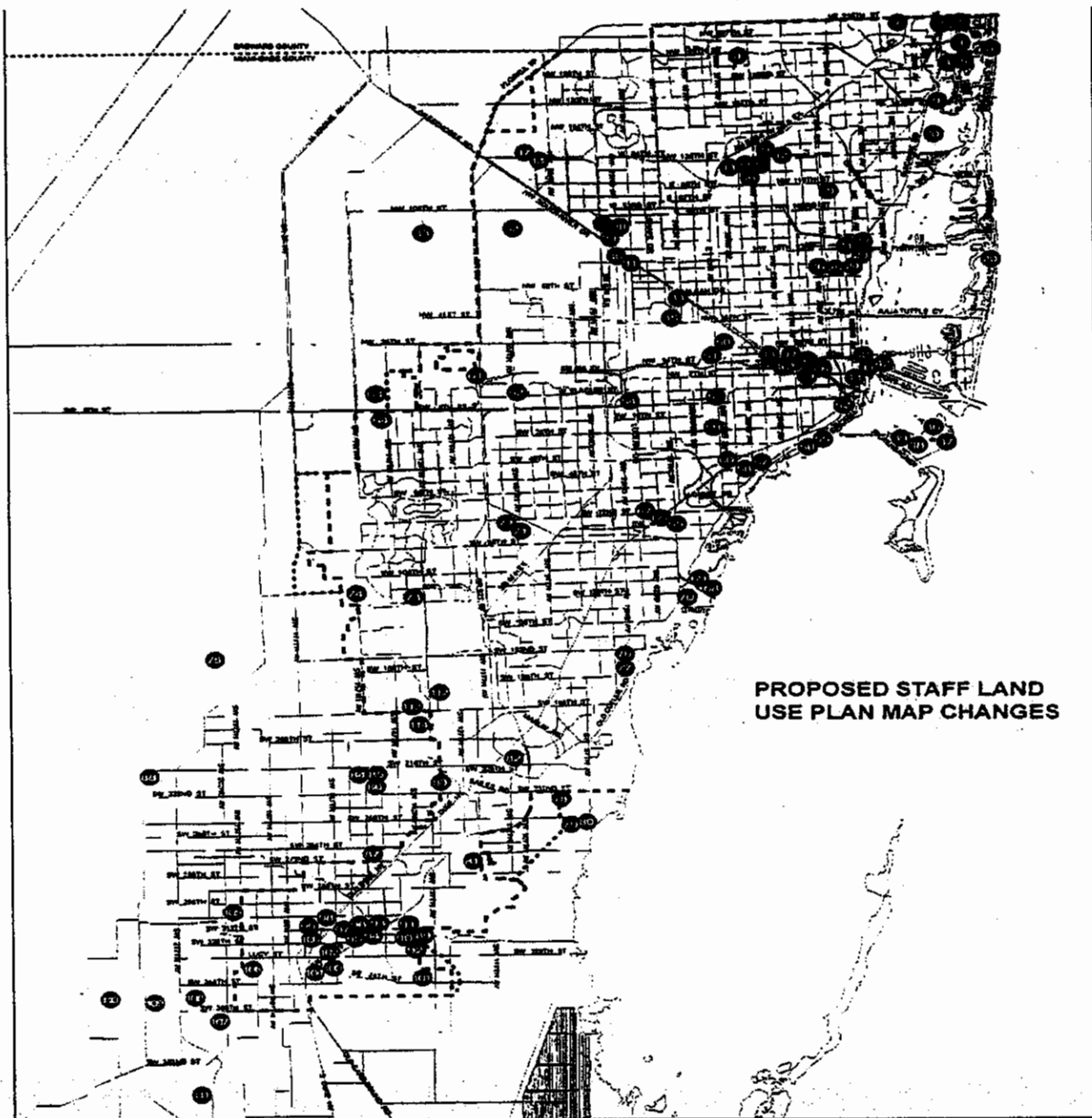
Miami-Dade County
Proposed Amendment #05-1ER

Sources: FDEP, SFWMD, Miami-Dade County, SFRPC.
Note: For planning purposes only. All distances are approximate.

Attachment

1





South
Florida
Regional
Planning
Council

COMPREHENSIVE PLAN AMENDMENTS

Location Map

Miami-Dade County
Proposed Amendment #05-1ER

Location of Proposed Land Use Map Changes

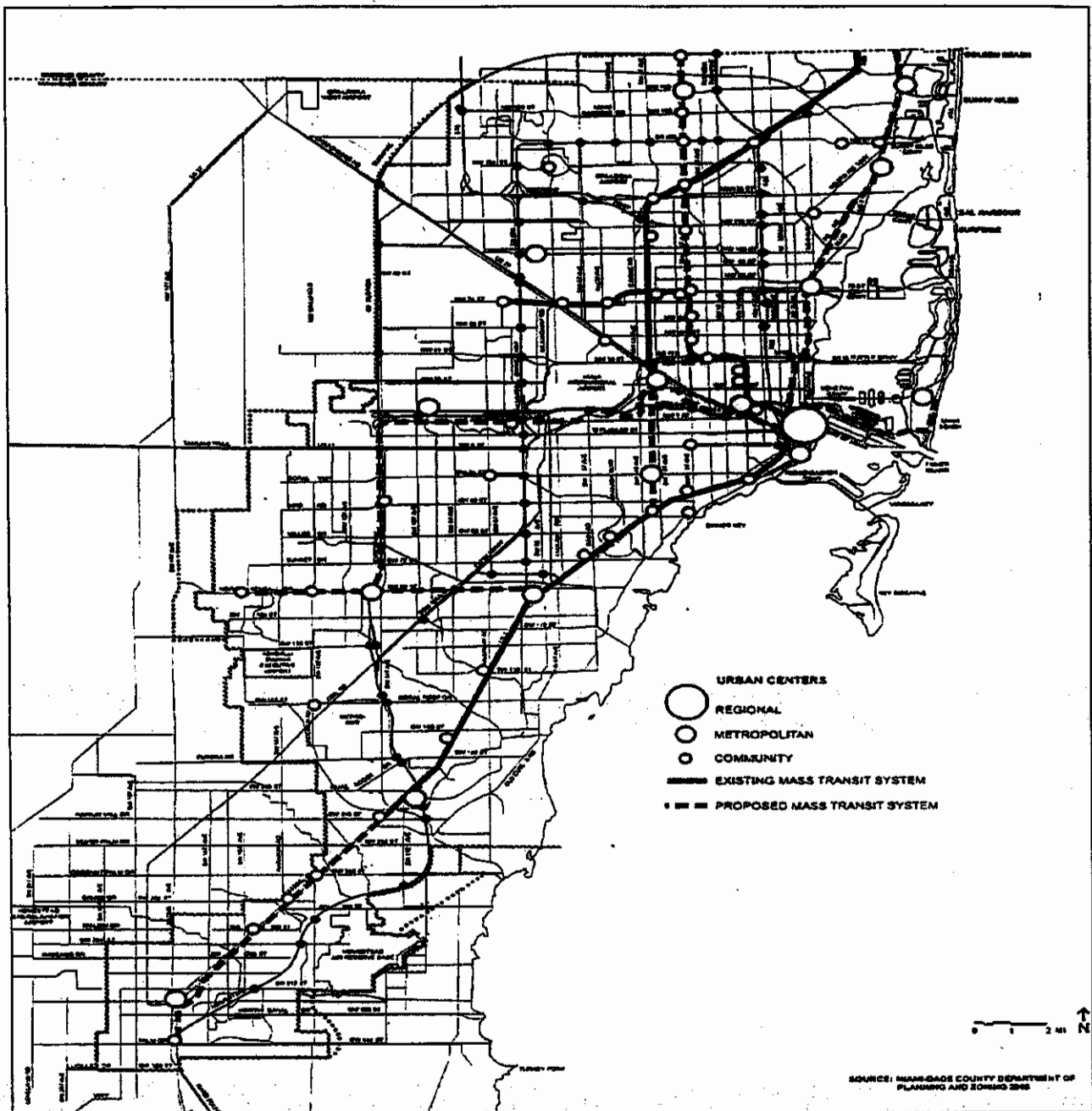
Sources: FDEP, SFWMD, Miami-Dade County, SFRPC.

Note: For planning purposes only. All distances are approximate.

Attachment

2





South
Florida
Regional
Planning
Council

COMPREHENSIVE PLAN AMENDMENTS

Location Map

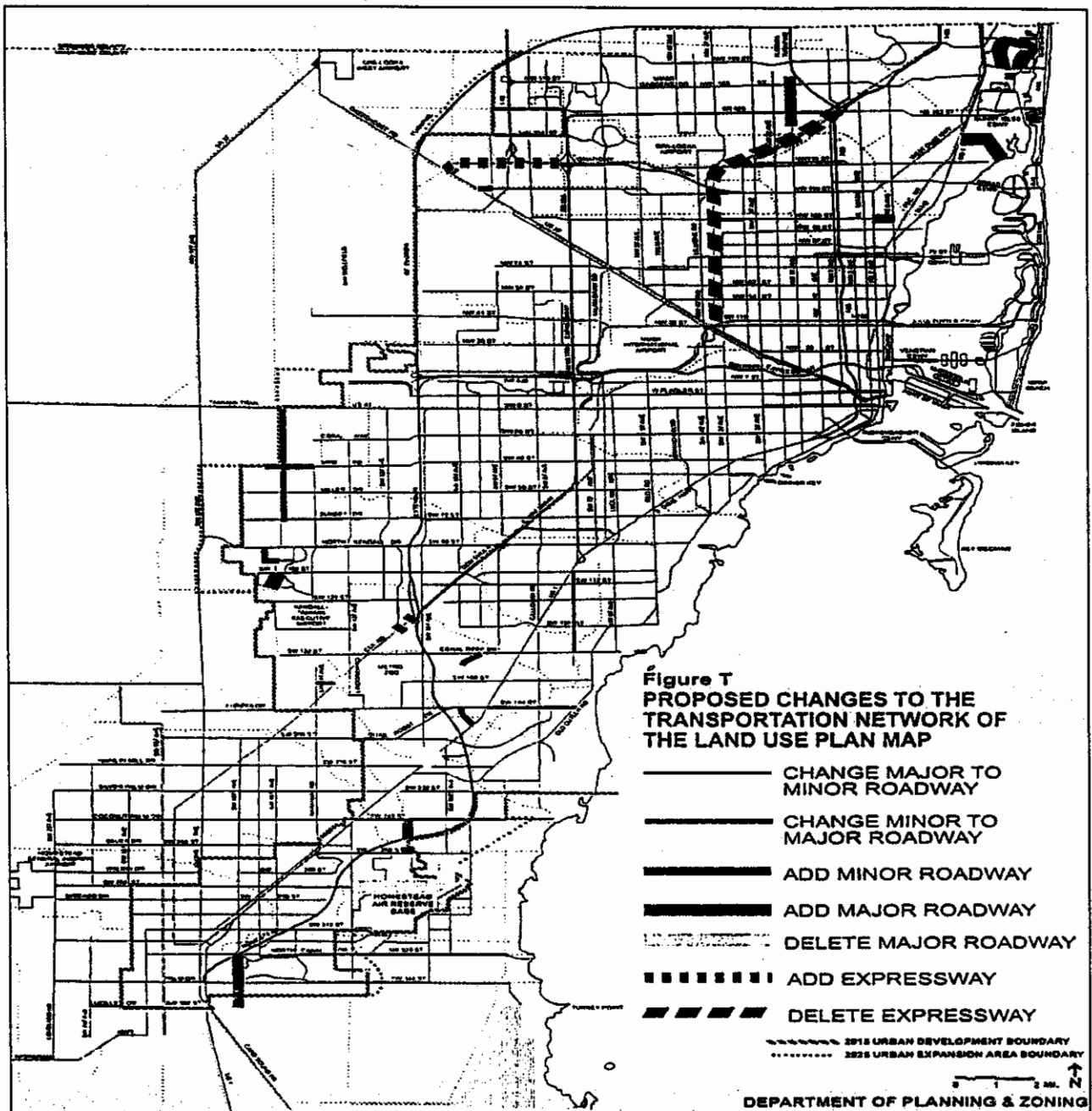
Miami-Dade County
Proposed Amendment #05-1ER
Location of Urban Centers and Existing and
Proposed Mass Transit System

Sources: FDEP, SFWMD, Miami-Dade County, SFRPC.
Note: For planning purposes only. All distances are approximate.

Attachment

3





COMPREHENSIVE PLAN AMENDMENTS

Location Map

Miami-Dade County
 Proposed Amendment #05-1ER

Proposed Changes to the Transportation Network

Sources: FDEP, SFWMD, Miami-Dade County, SFRPC.
 Note: For planning purposes only. All distances are approximate.

Attachment

4





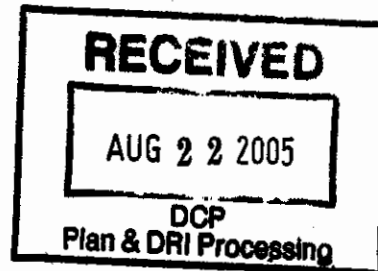
SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574
Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

GOV 08-06

August 18, 2005

Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100



Dear Mr. Eubanks:

**Subject: Proposed Amendment Comments
Miami-Dade County, DCA# 05-2**

The South Florida Water Management District (SFWMD) has reviewed the subject document and we have comments on the proposed Future Land Use Map (FLUM) amendments for Parcels 63, 75, 88, and 110 and related text amendments to the Environmental Protection Subareas of the County's plan. We have comments on Policies CON-7J, WS-6E, and ICE-5B. The SFWMD's comments are contained in the attached document and focus on water resource-related issues and proposed FLUM amendments to lands that the SFWMD owns, has interest in, has targeted for ownership, and/or is a partner with the federal government for implementation of the Comprehensive Everglades Restoration Plan (CERP).

SFWMD staff has been working with county staff in an attempt to resolve the District's concerns regarding the FLUM and related text amendments. We are concerned that the proposed amendments may adversely impact our efforts to fully implement CERP projects as well as a flood retention basin project. As part of that effort, county staff e-mailed us some draft revisions to the proposed text amendments to sections G and H of the Environmental Protection Subareas. This new language was received just prior to issuance of this letter, and is currently being reviewed by our staff.

The SFWMD appreciates the county's efforts to work with us to resolve the issues associated with the proposed FLUM and related text amendments. We will continue to work with the county to ensure that any adopted amendments will be consistent with SFWMD plans, policies, and projects.

GOVERNING BOARD

Kevin McCarty, Chair
Irela M. Bagué, Vice-Chair
Pamela Brooks-Thomas

Alice J. Carlson
Michael Collins
Nicolás J. Gutiérrez, Jr., Esq.

Lennart E. Lindahl, P.E.
Harkley R. Thornton
Malcolm S. Wade, Jr.

EXECUTIVE OFFICE

Carol Ann Wehle, Executive Director

Ray Eubanks, Administrator
August 18, 2005
Page 2

If you have any questions or require additional information, please contact Jim Golden, Senior Planner, at (561) 682-6862 or me at (561) 682-6779.

Sincerely,



P.K. Sharma, AICP
Lead Planner
Planning and Resource Evaluation Division

PKS/JG/jl

c: Jeff Bielling, DCA
Carolyn Dekle, SFRPC
Jim Golden, SFWMD
John Outland, DEP
Diane O'Quinn-Williams, Miami-Dade County

Name of Agency: South Florida Water Management District
Review Coordinator: Jim Golden (561) 682-6862
Local Government: Miami-Dade County
SFWMD Response Date: August 18, 2005
=====

BACKGROUND:

The South Florida Water Management District (SFWMD) has completed its review of the proposed EAR-related amendments to the Miami-Dade County Comprehensive Master Development Plan (CDMP) that were filed for evaluation during the October, 2004 amendment review cycle (DCA# 05-2). The county is transmitting a total of 115 land use plan map changes (18 of which were withdrawn) and text amendments to all elements of the CDMP. The SFWMD is providing comments on the proposed FLUM amendments for Parcels 63, 75, 88, and 110 and related text amendments to the Environmental Protection Subareas (EPS) of the CDMP. In addition, the SFWMD is providing comments on Policies CON-7J, WS-6E, and ICE-5B.

COMMENTS:

Proposed FLUM Amendments to Parcels 63, 75, 88, and 110 and EPS Text

The county is proposing to change the FLUM designation on the following four parcels that the SFWMD owns, has interest in, has targeted for ownership, and/or is a partner with the federal government for implementation of the Comprehensive Everglades Restoration Plan (CERP):

Parcel #63 (C-4 Emergency Detention Basin)
Parcel #75 (Shark River Slough Flow-way)
Parcel #88 (Rocky Glades Transition Zone)
Parcel #110 (Frog Pond)

The current FLUM designation for Parcels 63 and 75 is "Open Land", while the current FLUM designation for Parcels 88 and 110 is "Agriculture". The proposed FLUM designation for all four parcels is "Environmental Protection". Based on discussions with county staff, the Environmental Protection FLUM designation would be applied to these lands in January 2006.

According to the county's description of the Environmental Protection land use category, "the use permitted within these areas must be compatible with the area's environment and the objectives of the CERP, and shall not adversely affect the long-term viability, form or function of these ecosystems". The text for Environmental Subareas B (Rocky Glades Transition Zone), G (C-4 Emergency Detention Basin), and H (Shark River Slough Flow-way) further specify permitted and prohibited uses within these parcels. The text for both the C-4 Emergency

Detention Basin and the Shark River Slough flow-way state "Because of its function as a flow-way, there are no other appropriate uses of the land within this subarea".

In general, the SFWMD needs flexibility in implementing the CERP as well as other environmental restoration and flood protection projects. The definition of "Environmental Protection" may unduly limit the kind of project allowable on the land and impede rather than facilitate environmental restoration of the Everglades. A more general definition is desirable so that a variety of water management practices are permissible, including but not limited to water supply development, water storage, flood protection, stormwater attenuation, aquifer storage and recovery, seepage management, wetland enhancement/mitigation, stormwater treatment areas, water quality treatment, recharge areas, and ancillary uses of the facilities for administrative, recreational, and educational purposes.

While the SFWMD commends the county on their efforts to protect these environmentally sensitive areas, the SFWMD is also concerned about the timing of the proposed land use changes, as they may result in unintended adverse consequences, as outlined below.

- (1) The SFWMD has partnered with the U.S. Army Corps of Engineers (USACOE) on restoration efforts for the Shark River Slough, the Rocky Glades Transition Area, and the Frog Pond CERP Projects. This partnership includes a project cost-sharing agreement between the state and federal governments. The SFWMD buys the land needed for the project, then later negotiates and enters into a cost-sharing agreement with the federal government on the project. As previously mentioned, the proposed land use changes may reduce or eliminate the current allowable uses. Decreasing the market value of such acquired lands, prior to the conclusion of the cost-sharing agreement with the federal government, could significantly, and adversely, impact the state's recovery of its cost-share portion for these projects.
- (2) The SFWMD sometimes acquires more land in a specific location than it ultimately needs for a particular project when feasibility and design studies are completed. In such instances, these surplus lands may be made available to either private or public interests, consistent with state law. In certain situations, priority consideration must be given to buyers, public or private, who are willing to return the property to productive use, as long as the property can be re-entered onto the county's ad-valorem tax roll (see Section 373.089, F.S.). The proposed land use changes from "Open Land" and "Agriculture" to "Environmental Protection" and related text amendments to the Environmental Protection Subareas may reduce or eliminate the current allowable uses. This may adversely affect the SFWMD's ability to sell surplus lands for other productive uses. It may

also adversely affect the county's recapture of ad-valorem tax revenues from such lands after they have been surplus by the SFWMD.

- (3) The Board of Trustees of the Internal Improvement Trust Fund (BTITF) of the State of Florida has granted the SFWMD easements for the C-4 Emergency Detention Basin (Parcel 63) that allow for third party rock mining. The Florida Department of Environmental Protection (FDEP) has issued a reservation to the Rinker Corporation that permits future rock mining within the project boundaries. The proposed text for Environmental Protection Subarea G states "Because of its function as a flow-way, there are no other appropriate uses of the land within this subarea". The proposed land use change and related text amendments would not permit rock mining on this parcel. Also, the reference to this parcel serving as a "flow-way" is inaccurate. The project has been designed as an impoundment to store flood waters and does not serve as a flow-way.

The SFWMD recommends that the county either:

- (1) Withdraw the proposed FLUM and related text amendments to the Environmental Protection Subareas section of the CDMF that pertain to these four parcels for now and resubmit them for adoption at a later date (at least three years after the date that the project commences actual operation or, if the project is phased, three years after the date that a particular phase commences actual operation); or
- (2) Revise the proposed amendments such that the proposed changes affecting these four parcels will not become effective until three years after the date that the project commences actual operation or, if the project is phased, three years after that particular phase commences actual operation.

Regarding the second option, SFWMD staff will work with county staff to ensure that all SFWMD concerns are addressed prior to adoption of the proposed amendments.

Policy CON-7J

The county should consider revising the wording used in this policy, as it implies that the county may approve certain applications that are inconsistent with CERP objectives.

Policy WS-6E

This amended policy states that the county "shall implement reclaimed water use when feasible and where appropriate." While the proposed amendments to this policy are a step above the existing policy language, they only require that the

county "investigate the feasibility of reclaimed water use". They still fall short of the specific recommendations contained in our September 11, 2003 and January 6, 2004 letters to the DCA on the county's proposed and adopted EAR, respectively. No attempt has been made by the county to evaluate additional options for wastewater reuse, as suggested by the SFWMD (such as establishment of mandatory reuse zones in undeveloped areas/construction of satellite reclaimed water facilities), or to establish goals for increased reclaimed water usage for 5, 10, and 20 year time-frames. It should be noted that the county remains as one of the lowest per capita users of reclaimed water in the state at approximately 8 gallons per person per day (approximately 6% reuse). The county should revise this policy, and other policies contained within the Water, Sewer, and Solid Waste element, as necessary, to demonstrate a greater commitment to water conservation and development of alternate water supplies, particularly reclaimed water.

Policy ICE-5B

The proposed amendments to this policy require, among other things, that the county "work with the SFWMD to coordinate regional plans and programs, including the Lower East Coast Regional Water Supply Plan". Senate Bill 360 (Chapter 2005-290, Laws of Florida), which went into effect on July 1, 2005, and Senate Bill 444 (Chapter 2005-291, Laws of Florida) require a higher level of water supply planning coordination between the water management districts and local governments. These new statutory requirements will likely necessitate additional changes to the county's CDMP.